

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-CV-426-H

ADVANCED INTERNET TECHNOLOGIES,)
INC.,)
)
Plaintiff,)

v.)
)
DELL, INC., and DELL FINANCIAL)
SERVICES, INC.,)
)
Defendants.)

ORDER

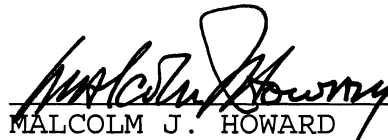
This matter is before the court on a motion filed by The New York Times Company, requesting that it be permitted to intervene in this action. The parties have responded to the motion, and this matter is, therefore, ripe for adjudication.

On February 4, 2009, a stipulated protective order was entered in this action in order to facilitate pretrial discovery among the parties. Under the terms of the stipulated protective order, certain information or materials produced in discovery could be designated by the producing party as "Confidential" or "Highly Confidential - Attorney's Eyes Only," thereby triggering a duty to request that such materials be sealed upon submission to the court. Pursuant to the stipulated protective order the parties moved to seal a number of documents submitted in connection with the parties' summary judgment briefing. The New

York Times Company filed the motion presently before the court requesting permission to intervene in order to oppose the sealing of these documents. The parties do not oppose the motion to intervene, nor do they object to The New York Times Company's position that these documents should be public record.

Accordingly, the court GRANTS The New York Times Company's motion to intervene [DE #289] and sustains its objection to the sealing of records submitted in connection with the parties' summary judgment memoranda. The clerk is DIRECTED to lift the temporary seal placed upon documents filed in connection with Docket Entries # 203-07, 209-11, 215, 237-39, 241-47, 259, 266-67, 270-72, 274, and 276-79. Because the parties have since settled this action, the clerk is further directed to close this case.

This 18th day of November 2010.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
#31